



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10 HANFORD/INL PROJECT OFFICE
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April 23, 2007

Matthew S. McCormick, Assistant Manager
 for the Central Plateau
 U.S. Department of Energy
 Richland Operations Office
 P.O. Box 550, A5-11
 Richland, WA 99352

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EDMC

Re: U.S. Department of Energy (DOE) Request for a 60-Day Extension to Respond to
 Regulator Comments on the Remedial Design and Remedial Action Work Plan for the
 221-U Facility

Dear Mr. McCormick:

On April 13, 2007, the U.S. Environmental Protection Agency (EPA) received a letter from DOE (07-AMCP-0164) requesting a 60-day extension for additional time to respond to EPA and Washington State Department of Ecology (Ecology) comments on the *Remedial Design/Remedial Action Work Plan for the 221-U Facility* (DOE/RL-2006-21). EPA grants the 60-day extension. It is also necessary for Ecology to grant the extension since they are a joint-lead regulatory agency with EPA. 0072688
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EPA would like to acknowledge Tri-Party interactions with regard to developing remedial action milestones for the 221-U Facility. EPA and Ecology have expressed interest in a comprehensive approach to assuring that facilities in Hanford's Central Plateau do not become, in essence, "orphan sites." EPA hopes to avoid a situation where facilities (i.e., buildings and structures) are not properly integrated into the schedule for completion of remedial actions for the 200 Area. On February 21, 2007, EPA and Ecology project managers met with DOE's Federal Project Director with authority over facilities, DOE's project manager, and contractor staff to discuss the Remedial Design and Remedial Action work plan and associated remedial action milestone change package. An agreement was reached at this meeting to postpone development of specific milestones for the 221-U Facility in exchange for an Agreement in Principle (AIP) to negotiate inclusion of facilities and the facility binning approach into the Tri-Party Agreement.

EPA expects to receive a draft of the AIP to be included with DOE responses to regulator comments on the 221-U Facility remedial design and remedial action work plan. EPA and Ecology have insisted upon development of this AIP for well over a year. DOE has informed EPA that their headquarters must review such a draft AIP and that a draft delivered at the end of the 60-day extension will not represent a commitment by DOE. Since the AIP cannot be submitted at this time as a commitment by DOE, DOE must include a draft remedial action milestone change package for the 221-U Facility that addresses EPA and Ecology comments.

The Tri-Parties met December 19, 2006, and EPA and Ecology project managers provided feedback on the draft milestone change package at that time. This feedback was not rolled up into formal comments because EPA and Ecology had the understanding that there was an agreement to develop an AIP for later negotiations at the February 21st meeting. However, since the draft AIP submitted at the end of the 60-day extension will not be a commitment by DOE as a whole, EPA will provide formal documentation of our feedback on the draft milestone change package (M85-06-01) in this letter below.

1. *Change form.* The 1996 AIP for the Canyon Disposition Initiative was used by the Tri-Parties to select the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedial action process for the U Plant canyon building (221-U Facility). Prior to the proposed plan going out to public comment, EPA requested that DOE demonstrate how the Tri-Party Agreement Action Plan Section 8 requirements were being met for this key facility. DOE did not respond to this request and so EPA produced a cross walk (which was shared with project staff including the DOE Federal Project Director) detailing how the Section 8 requirements for this key facility were being met by the various remedial investigation/feasibility study, proposed plan, record of decision, and remedial design and remedial action documents. It is ironic that DOE has written the change form with such a heavy reliance on Section 8 disposition. The change form must be revised to focus on the CERCLA remedial action process including referring to the ROD requirements and the CERCLA remedial design and remedial action work plan and activities. This will make the form more consistent with the supplemental "Description/Justification Continued" section that follows.
2. *Milestone descriptions.* It is not clear that the creation of an M-85 milestone series is the optimal approach for 221-U Facility remedial action milestones. Regardless, EPA expects all remedial action milestones for the Central Plateau to be consistent with the M-016 major milestone for completion of remedial actions by September 30, 2024. The draft milestone package included a milestone for completion of the remedial action with a "TBD" or To-Be-Decided date that would be no later than September 30, 2024. EPA believes that the date provided for this milestone at the end of the 60-day extension must be significantly earlier than the 2024 date as there are going to be many activities across the 200 Area that must be performed in advance to assure that all remedial actions meet the 2024 date. DOE should not have formally transmitted a change package with a "TBD" date for one of the interim milestones. An actual date should have been provided.
3. *Milestone descriptions.* The milestone for removing the contents of the vessel in Cell 30 and subsequent disposal should not contain the word "disposition." This implies that there is an option to the record of decision requirement to remove all waste remaining above TRU levels after stabilization. Studies performed by DOE have clearly indicated that the material will remain well above 100 nCi/g in transuranic content after stabilization. The milestone must be consistent with the record of decision requirement. However, this milestone is not really necessary because the revised Tri-Party Agreement now contains a requirement for DOE to submit to the regulatory agencies a Remedial Design Report that must include the 90% design for the remedy. As indicated in previous EPA comments, DOE needs to include an item in the schedule contained in the work plan

for submittal of the Remedial Design Report.

4. *Milestone descriptions.* While it is not ideal, EPA will consider an interim milestone that triggers follow-on interim milestones once the remedial design and remedial action has progressed. However, the date of September 30, 2012, is too far out for this milestone because that would stretch the design completion out and thus place in jeopardy all of the follow-on activities that must meet a critical path for completion of the remedial action.

That concludes our comments on the draft milestone change package. We look forward to a response consistent with the Tri-Party Agreement. If you have questions, please contact me at (509) 376-8665.

Sincerely,



Craig Cameron
Project Manager

cc: Larry Romine, DOE
Wade Woolery, DOE
Rick Bond, Ecology
Administrative Record: 221-U Facility (U Plant CDI)

TPA: 11-85

OU: U PLANT AA